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in AAUP v. Trump, Case No. 3:25-cv-07864-PHK*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

NEETA THAKUR, *et al.*, individually and
on behalf of all others similarly situated,

Plaintiffs,

v.

DONALD J. TRUMP, *et al.*,

Defendants.

Case No. 3:25-cv-04737-RFL

Assigned to the Honorable Rita Lin

**ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES SHOULD
BE RELATED (CIVIL L.R. 3-12)**

Pursuant to Civil Local Rules 3-12 and 7-11, Plaintiffs respectfully submit this administrative motion in support of relating *American Association of University Professors, et al. v. Trump, et al.*, Case No. 3:25-cv-07864-PHK (hereinafter “*AAUP*”), filed today in this Court and currently assigned to the Hon. Peter H. Kang, to this action, *Thakur, et al. v. Trump, et al.*, Case No. 3:25-cv-04737-RFL (hereinafter, *Thakur*), which is the lower-numbered case.

Under Civil Local Rule 3-12(a), actions are related when: “(1) [t]he actions concern substantially the same parties, property, transaction, or event; and (2) [i]t appears likely that there will be an unduly

1 burdensome duplication of labor and expense or conflicting results if the cases are conducted before
2 different Judges.” Plaintiffs submit that both requirements are satisfied here.

3 As to the first element, both actions concern substantially the same transactions and events,
4 namely the series of federal agency actions cutting off federal funding to the University of California
5 based on unreasoned letters and pretextual investigations into alleged discrimination. For instance, the
6 newly filed action, *AAUP*, challenges the cessation of funding by Defendants National Science
7 Foundation (“NSF”), National Institutes of Health (“NIH”), and Department of Energy (“DOE”),
8 initiated on July 30, 2025 and accompanied by letters from those agencies on July 30, July 31, and
9 August 1, 2025. The cut-off of federal funding by these three agencies is also at issue in this case: NSF’s
10 actions are the subject of a recent order by this Court enforcing its previously issued preliminary
11 injunction, *Thakur*, 2025 WL 2325390 (N.D. Cal. Aug. 12, 2025), and a hearing on the motion to enjoin
12 the NIH cuts is set for September 18. In short, a substantial part of the actions challenged in both cases
13 arise from actions by the same defendants and the same unlawful attempts to terminate funding.

14 The defendants in the two cases are mostly overlapping. All but one of the defendants in *Thakur*
15 are also defendants in *AAUP*; and a majority of the *AAUP* defendants are also defendants in *Thakur*.
16 Further, many of the class members in *Thakur* are members of organizational plaintiffs in *AAUP*,
17 including the American Association of University Professors (“AAUP”), the University Council–
18 American Federation of Teachers (“UC-AFT”), the Council of UC Faculty Associations (“CUCFA”)
19 and its affiliated faculty associations, and—through AAUP and UC-AFT—the American Federation of
20 Teachers (“AFT”).

21 As to the second element, consideration of this action by a separate district judge would entail
22 unduly burdensome duplication of labor and expense in light of the significant factual overlap between
23 the two cases discussed *supra*. In addition, although the legal theories in the two cases differ,¹ both
24 involve *ultra vires* First Amendment claims and claims under the Administrative Procedure Act
25 (“APA”) for arbitrary and capricious agency actions and actions contrary to law. This Court has already

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27 ¹ For example, in *AAUP*, plaintiffs claim not only that the federal government is engaging in content and
28 viewpoint discrimination, but also that defendants are unlawfully using the threat of legal and economic
sanctions to coerce the University of California to suppress speech, in violation of the First Amendment
under *National Rifle Association of America v. Vullo*, 602 U.S. 175 (2024).

considered whether the same NSF letters challenged in *AAUP* provide a reasonable explanation of agency action and whether Defendant NSF's decision to terminate funding was arbitrary and capricious in violation of the APA, and is set to consider similar issues regarding Defendant NIH's actions. Permitting these actions to proceed before different judges would thus raise the risk of conflicting results.

Civil Local Rule 7-11(a) requires an administrative motion "be accompanied . . . by either a stipulation under Civil L.R. 7-12 or by a declaration that explains why a stipulation could not be obtained." As explained in the accompanying declaration, counsel for the *AAUP* plaintiffs contacted the U.S. Attorney for the Northern District of California and the Chief of the Civil Division to ask whether they would accept service of the complaint and whether they could provide defendants' position on whether the two cases should be related. Chisholm Decl. in Support of Admin. Mot. ¶2. At the time of this filing, plaintiffs' counsel had not received defendants' position. *Id.*

Respectfully submitted,

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